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		Application Number	10/694,541
		Filing Date	October 28, 2003
		First Named Inventor	Stephen A. FODOR <i>et al.</i>
		Group Art Unit	1634
Examiner Name	Jeanine A. GOLDBERG		
Sheet	1 of 1	Attorney Docket Number	AFFY-003/026US

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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/JG/	1	CRKVENJAKOV, R. <i>et al.</i> "Miniaturization of Sequencing by Hybridization (SBH): The 'Sequencing Chip' Concept", Poster Presentation at "The DOE/NIH Human Genome Contractor/Grantee Workshop" in Santa Fe, NM, Nov. 3, 1989.	
/JG/	2	DRMANAC, R. and CRKVENJAKOV, R., "Prospects for a Miniaturized, Simplified and Frugal Human Genome Project," Conference Paper, <i>Scientific Yugoslavia</i> 16(1-2) 97-107, January 23, 1991.	

Examiner Signature	/Jeanine Goldberg/	Date Considered	01/15/2008
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	Applicants: Stephen P.A. FODOR <i>et al.</i> PAGE 1 of 4	
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U.S. PATENT DOCUMENTS							
Initial		Document No.	Date	Name	Class	Sub-Class	Filing Date
/JG/	1.	4672040	06/09/1987	Josephson			
	2.	4789737	12/06/1988	Miyoshi <i>et al.</i>			
	3.	4806546	02/21/1989	Carrico <i>et al.</i>			
	4.	4820812	04/11/1989	Miyoshi <i>et al.</i>			
	5.	4868105	09/19/1989	Urdea <i>et al.</i>			
	6.	6610482	08/26/2003	Fodor <i>et al.</i>			
	7.	6849462	02/01/2005	Winkler <i>et al.</i>			
	8.	6864101	03/08/2005	Winkler <i>et al.</i>			
	9.	6943034	09/13/2005	Winkler <i>et al.</i>			
	10.	07/624,114	Filed 12/06/1990	Fodor <i>et al.</i>			
	11.	09/654,948	Filed 09/01/2000	Pirung <i>et al.</i>			
	12.	4259223	03/31/1981	Rembaum			
	13.	5380489	01/10/1995	Sutton <i>et al.</i>			
	14.	5382512	01/17/1995	Smethers <i>et al.</i>			
	15.	6630308	10/07/2003	Stryer <i>et al.</i>			

FOREIGN PATENT DOCUMENTS							
		Document No.	Date	Country	Class	Sub-Class	Translation
	16.	EP 0 205 532 B 1	12/27/1989	Europe			
	17.	EP 0 265 244 A3	05/10/1989	Europe			
	18.	EP 0 265 244 B1	09/23/1992	Europe			
	19.	EP 0 288 737 A1	11/02/1988	Europe			
	20.	EP 0 296 557 A2	12/28/1988	Europe			
	21.	EP 0 834 576 A2	04/08/1998	Europe			
	22.	EP 0 834 576 A3	06/16/1999	Europe			
	23.	EP 0 834 576 B1	01/16/2002	Europe			

Initial		OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)
	24.	"Deposition of Dennis W. Solas, Ph.D.," in Patent Interference No. 104,359, 130 pages (dated June 16, 1999).
	25.	Abbott Laboratories response to Patentee's Grounds of Appeal, in the oppositions to EP 0834576, 13 pages (dated February 22, 2006).
↓	26.	Abbott Laboratories response to the Summons to Attend Oral Proceedings in the oppositions to EP 0834576, 8 pages (dated December 22, 2004).

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Initial		OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)
/JG/	27.	Adams M. Automated DNA Sequencing and Analysis, Academic Press, 1994.
	28.	Affymetrix Patent Portfolio – Overview, 10 pages (undated).
	29.	Beattie <i>et al.</i> , "REVIEW: Gene Synthesis Technology: Recent Developments and Future Prospects," Biotechnology and Applied Biochemistry 10:510-521 (1988).
	30.	Behlke and Devor, "Chemical Synthesis of Oligonucleotides," http://www.idtdna.com/support/technical/TechnicalBulletinPDF/Chemical_Synthesis_of_Oligonucleotides.pdf , last visited May 29, 2007.
	31.	Britten, "Complementary Strand Association Between Nucleic Acids and Nucleic Acid Gels," Science 142:963-965 (1963).
	32.	Broude <i>et al.</i> , "Positional Sequencing by Hybridization," p. 297, Abstracts of papers presented at the 1994 meeting on Genome Mapping & Sequencing, Cold Spring Harbor Laboratory (1994).
	33.	Cold Spring Harbor Laboratory. Abstracts of papers presented at the 1990 meeting on Genome Mapping and Sequencing, May 2-6, 1990 (IAFP 598193-326).
	34.	Crkvenjakov <i>et al.</i> , "Miniaturization of Sequencing by Hybridization (SBH): A Novel Method for Genome Sequencing," Poster abstract presented at Wolf Trap Genome Sequencing Conference, Vienna, Virginia, USA (1989).
	35.	Damha <i>et al.</i> , "An improved procedure for derivatization of controlled-pore glass beads for solid-phase oligonucleotide synthesis," Nucl. Acid Res. 18:3813-3821 (1990).
	36.	DOE/NIH Human Genome Contractors/Grantee Workshop (Santa Fe, NM) Abstracts Nov. 3-4, 1989 (IAFP 597958-598013).
	37.	Drmanac <i>et al.</i> , "Towards Genome DNA Sequencing Chip Based on Oligonucleotide Hybridization: Modelling and Computer Methods In Molecular Biology and Genetics. Abstracts of the Int'l Conference, Novosibirsk, U.S.S.R. 1990: (IAFP 598068-70).
	38.	Drmanac <i>et al.</i> , "Towards Genome DNA Sequencing Chip Based on Oligonucleotide Hybridization," pp. 242-243, Abstracts of papers presented at the 1992 meeting on Genome Mapping & Sequencing, Cold Spring Harbor Laboratory (1992).
	39.	Drmanac R, Crkvenjakov R. Prospects for Miniaturized, Simplified and Frugal Human Genome Project: The 'Sequencing Chip' Concept. Belgrade, Yugoslavia Oct. 1989 (IAFP 598743-52).
	40.	Drmanac R, Crkvenjakov R. Prospects for Miniaturized, Simplified and Frugal Human Genome Project. Genetic Engineering Center, Belgrade, Yugoslavia March 31, 1989 (DOE 520-546).
▼	41.	Drmanac R. Miniaturization of Sequencing by Hybridization. The Sequencing Chip Concept Poster Presentation 1989 (IAFP 598099-117).

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Initial		OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)
/JG/	42.	Facsimile from Affymetrix to Ed Wong and Deborah Neville attaching Affmetrix Patent Portfolio – Overview, 12 pages (dated November 11, 1994).
	43.	Fry <i>et al.</i> , "A New Approach to Template Purification for Sequencing Applications Using Paramagnetic Particles," BioTechniques 13:124-130 (1992).
	44.	Gallop <i>et al.</i> , "Applications of Combinatorial Technologies to Drug Discovery. 1. Background and Peptide Combinatorial Libraries," J. Med. Chem. 37:1233-1251 (1994).
	45.	Gilham, "Immobilized Polynucleotides and Nucleic Acids," Adv. Exp. Med. Biol. 42:173-185 (1974).
	46.	Heidmann and Köster, "Polymer Support Oligonucleotide Synthesis, 11: Use of a Novel Hydrophilic Bead Polymer as Carrier," Makromolekulare Chemie 181:2495-2506 (1980).
	47.	Human Genome II: An International Conference on the status and future of research on the Human Genome, Official Program and Abstracts, Oct. 22-24, 1990 (AVI_134115-75; IAFP598371-430).
	48.	Human Genome III: The International Conference on the status and future of research on the Human Genome, Official Program and Abstracts, Oct. 21-23, 1991 (AVI_131963-132005).
	49.	Jacobs <i>et al.</i> , "Combinatorial chemistry – applications of light-directed chemical synthesis," TIBTECH 12:19-26 (1994).
	50.	Köster and Geussenhainer, "A Novel Carrier for Solid Phase Synthesis of Oligomers," Angew. Chem. Internat. Edit. 11(8):713-714 (1972).
	51.	Köster, "Polymer Support Oligonucleotide Synthesis VII-5: Use of Inorganic Carriers," Tetrahedron Letters 16:1527-1530 (1972).
	52.	Kwoh <i>et al.</i> , "Transcription-based amplification system and detection of amplified human immunodeficiency virus type 1 with a bead-based sandwich hybridization format," Proc. Natl. Acad. Sci. USA 86:1173-1177 (1989).
	53.	Lund <i>et al.</i> , "Assessment of methods for covalent binding of nucleic acids to magnetic beads, Dynabeads™, and the characteristics of bound nucleic acids in hybridization reactions," Nucl. Acid Res. 16(22):10861-10880 (1988).
	54.	Maskos <i>et al.</i> , "Oligonucleotide hybridisations on glass supports : a novel linker for oligonucleotide synthesis and hybridisation properties of oligonucleotides synthesized in situ," Nucl. Acids Res. 20(7):1679-1684 (1992).
	55.	Matthews and Kricks, "Analytical Strategies for the Use of DNA Probes," Anal. Biochem. 169:1-25 (1988).
	56.	Opposition to EP 0834576 by Abbott Laboratories, 26 pages (dated October 16, 2002).
	57.	Opposition to EP 0834576 by Applera Corporation, 20 pages (dated October 14, 2002).
↓	58.	Opposition to EP 0834576 by Combimatrix Corporation, 26 pages (dated October 16, 2002).

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/JG/	59.	Opposition to EP 0834576 by PamGene B.V., 39 pages (dated October 16, 2002).
	60.	Pochet <i>et al.</i> , "Synthesis of DNA fragments linked to a solid support," Tetrahedron 43(15):3481-3490 (1987).
	61.	Pon <i>et al.</i> , "Derivatization of Controlled-Pore Glass Beads for Solid-Phase Oligonucleotide Synthesis," Biotechniques 6:768-765 (1988).
	62.	Response of the Patentee to the oppositions to EP 0834576, 70 pages (dated February 23, 2004).
	63.	Sindelar <i>et al.</i> , "Parallel Synthesis of Large Numbers of Custom Oligomers in a Multichannel Format," p. 298, Abstracts of papers presented at the 1994 meeting on Genome Mapping & Sequencing, Cold Spring Harbor Laboratory (1994).
	64.	Southern <i>et al.</i> , "Parallel synthesis and analysis of large numbers of related chemical compounds: applications to oligonucleotides," Journal of Biotechnology 35:217-227 (1994).
	65.	Streszoska <i>et al.</i> , "Towards Genomic DNA Sequencing Chip Based on Oligonucleotide Hybridization," from Abstracts of papers presented at the 1990 meeting on Genome Mapping and Sequencing, p. 53, Cold Spring Harbor Laboratory, Cold Spring Harbor, New York, USA (1990).
	66.	Venkatesan <i>et al.</i> , "Improved Utility of Photolabile Solid Phase Synthesis Supports for the Synthesis of Oligonucleotides Containing 3'-Hydroxyl termini," J. Org. Chem. 61:525-529 (1996).
	67.	Vignali, "Multiplexed particle-based flow cytometric assays," J. Immunol. Meth. 243:243-255 (2000).
	68.	Wahlberg <i>et al.</i> , "Rapid detection and sequencing of specific in vitro amplified DNA sequences using solid phase methods," Molecular and Cellular Probes 4:285-297 (1990).
	69.	Wincott <i>et al.</i> , "Synthesis, deprotection, analysis and purification of RNA and ribozymes," Nucl. Acids Res. 23(14):2677-2684 (1995).
↓	70.	Wolter <i>et al.</i> , "Polymer support oligonucleotide synthesis XXI: Synthesis of a Henectacosa Deoxynucleotide by use of a dimeric phosphoramidite synthon," Nucleosides & Nucleotides 5(10):65-77 (1986).

Examiner /Jeanine Goldberg/	Date Considered 01/15/2008
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